

HOUSE No. 2105

By Mr. Wagner of Chicopee, petition of Joseph F. Wagner and others relative to further regulating expenditures made from the Highway Fund. Transportation.

The Commonwealth of Massachusetts

PETITION OF:

Joseph F. Wagner	Christine E. Canavan
John Pourbaix,	Michael E. Festa
Executive Director	Emile J. Goguen
Patricia A. Haddad	

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE CHAPTER 90 PROGRAM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Clause (2) of the first paragraph of section 34 of chapter 90 of
2 the General Laws, as appearing in the 2000 Official Edition, is
3 hereby amended by striking out the introductory paragraph and
4 subdivision (a) and inserting in place thereof the following intro-
5 ductory paragraph and subdivision (a):—
6 Not less than 90 per cent of the balance then remaining shall be
7 used exclusively—
8 (a) For expenditure, under the direction of the department, for
9 maintaining, repairing, improving and constructing town and
10 county ways and bridges, sidewalks adjacent to the ways and
11 bridges, bikeways and for design and engineering expenses,
12 together with any money which any town or county may appro-
13 priate for such purposes. The ways, bridges, bikeways and side-
14 walks shall remain town and county ways, bridges, bikeways and
15 sidewalks. The remaining 10 per cent of the balance may be used
16 in a manner and for the purposes described above or may be used
17 for expenditures, under the direction and approval of the depart-
18 ment, for other projects eligible for funding as a transportation

19 enhancement project as described in the Intermodal Surface
20 Transportation Efficiency Act of 1991, P.L. 102-240, salt storage
21 sheds, public use off-street parking facilities related to mass trans-
22 portation, expenses related to highway transportation enhance-
23 ment and mass transportation purposes, for care, repair, storage,
24 replacement, purchase and long-term leasing of road building
25 machinery, equipment and tools, for the erection and maintenance
26 of direction signs and warning signs and for necessary or benefi-
27 cial improvements to unpaved town and county ways together
28 with any money which a town or county may appropriate for such
29 purposes to be used on the same ways, sheds, bikeways, bridges,
30 machinery, equipment, tools and facilities. The department shall
31 send written notification to each town advising of the funds appor-
32 tioned to said town for eligible projects no later than April 1 of
33 each year. Each town shall submit to the members of the general
34 court a written plan outlining the projects for which such funds
35 shall be applied no later than April 15 of each year, and further,
36 each town shall submit to the members of the general court a
37 written report explaining how funds authorized pursuant to this
38 chapter were spent and advising as to the amount, if any, of any
39 unexpended funds no later than December 15 of each year. No
40 revenue credited to the Highway Fund shall be transferred from
41 said fund to any other fund for any other purpose; provided, how-
42 ever, that such revenue shall be transferred in order to cover fringe
43 benefit costs pursuant to section 5D or subsection (f) of
44 section 6B of chapter 29. The department shall withhold or with-
45 draw the unexpended balance of any funds assigned by it under
46 this subdivision if a town fails to comply with the official stan-
47 dards for traffic control established by the department or with any
48 traffic control agreement negotiated between the department and a
49 town, as required by the United States Secretary of Commerce
50 under 23 U.S.C. 109. In this subdivision, the word “town” shall
51 include city; provided further, that towns with a population of less
52 than 10,000 persons according to the 2000 United States Census
53 shall be allowed to petition said department for a waiver in the
54 department’s discretion from the percentage limitation.